

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

PROPOSED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 6.5, ARTICLE 3,
AMEND SECTIONS 1213, AND 1213.2

ELECTRONIC LOGGING DEVICES (CHP-R-2017-11)

Existing Text:Times New Roman 12 point font.

Additions:Times New Roman 12 point font with single underline.

Deletions:~~Times New Roman 12 point font with strikethrough.~~

§ 1213. Driver's Record of Duty Status.

(a) Carrier responsibility. Except as provided in subsection (b), every motor carrier shall require every intrastate driver, as defined in Section 1201 of this chapter, used by the motor carrier to record his/her duty status for each 24-hour period using the methods prescribed in either paragraphs (a)(1) or (2) of this section. Every motor carrier shall require every interstate driver, as defined in Section 1201 of this chapter, used by the motor carrier to record his/her duty status for each 24-hour period using the methods prescribed in paragraph (a)(4) of this section.

(1) Every driver shall record his/her duty status, in duplicate, for each 24-hour period. The duty status time shall be recorded on a specified grid, as shown in paragraph (h) of this section. The grid and the requirements of paragraph (e) of this section may be combined with any company forms. The previously approved format of the Daily Log, Form MCS-59 or the Multiday Log, MCS-139 and 139A, which meets the requirements of this section, may continue to be used.

(2) Every driver shall record his/her duty status by using an automatic on-board-recording device that meets the requirements of Section 1213.2. The requirements of Section 1213 shall not apply, except paragraphs (f) and (l).

(3) The record shall be presented for inspection immediately upon request by any authorized employee of the department, or any regularly employed and salaried police officer or deputy sheriff.

(4) Interstate drivers, ~~subject to and in compliance with the record requirements of Sections 395.8 or 395.15, 49 CFR, shall be deemed in compliance with this section.~~ as defined in Section 1201 of this chapter, shall comply with driver record of duty status requirements contained in Title 49, Code of Federal Regulations, Part 395, as those regulations exist in the October 1, 2017 edition.

(b) Exceptions. A driver's record of duty status is not required for drivers of the following vehicles, provided documentation of their total days worked and time of reporting on and off duty each day, is maintained by the motor carrier for six months:

(1) Vehicles owned and operated by any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.

(2) Vehicles, owned and operated by local law enforcement agencies, which are engaged in the transportation of inmates or prisoners within the county where the agency is located.

(c) Duty status. The duty status shall be recorded as follows:

(1) "Off duty" or "OFF."

(2) "Sleeper berth" or "SB" (only if a sleeper berth used).

(3) "Driving" or "D."

(4) "On-duty not driving" or "ON."

(d) Location of change of duty status. For each change of duty status (e.g., the place of reporting for work, starting to drive, on-duty not driving and where released from work), the name of the city, town, or village, with State abbreviation, shall be recorded.

Note: If a change of duty status occurs at a location other than a city, town, or village, show one of the following: (1) The highway number and nearest milepost followed by the name of the nearest city, town, or village and State abbreviation, (2) the highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation, or (3) the highway numbers of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and State abbreviation.

(e) Required information. The following information must be included on the form in addition to the grid:

(1) Date;

(2) Total miles driving today;

(3) Bus, truck or tractor, and trailer number;

- (4) Name of carrier;
- (5) Driver's signature/certification;
- (6) 24-hour period starting time (e.g., midnight, 9:00 a.m., noon, 3:00 p.m.);
- (7) Main office address;
- (8) Remarks;
- (9) Name of co-driver;
- (10) Total hours (far right edge of grid);
- (11) Shipping document number(s), or name of shipper and commodity;

(f) Incomplete or false records. No motor carrier shall allow or require, and no driver shall prepare or submit, a record of duty status which is not true and accurate. Failure to complete the record of duty activities of this section or Section 1213.2, failure to preserve a record of such duty activities, or making of false reports in connection with such duty activities shall make the driver and/or the carrier liable to prosecution.

(g) Driver responsibility. The driver's activities shall be recorded in accordance with the following provisions:

- (1) Entries to be current. Drivers shall keep their record of duty status current to the time shown for the last change of duty status.
- (2) Entries made by driver only. All entries relating to driver's duty status must be legible and in the driver's own handwriting.
- (3) Date. The month, day and year for the beginning of each 24-hour period shall be shown on the form containing the driver's duty status record.
- (4) Total mileage driven. Total mileage driven during the 24-hour period shall be recorded on the form containing the driver's duty status record.
- (5) Vehicle identification. The carrier's vehicle number or State and license number of each bus, truck, truck tractor and trailer operated during that 24-hour period shall be shown on the form containing the driver's duty status record.
- (6) Name of carrier. The name(s) of the motor carrier(s) for which work is performed shall be shown on the form containing the driver's duty status record. When work is performed for more than one motor carrier during the same 24-hour period, the beginning and finishing time, shown a.m. or p.m., worked for each carrier shall be shown after each carrier's name. Drivers of leased vehicles shall show the name of the motor carrier performing the transportation.

(7) Signature/certification. The driver shall certify to the correctness of all entries by signing the form containing the driver's duty status record with his/her legal name or name of record. The driver's signature certifies that all entries required by this section made by the driver are true and correct.

(8) Time base to be used. (A) The driver's duty status record shall be prepared, maintained, and submitted using the time standard in effect at the driver's home terminal, for a 24- hour period beginning with the time specified by the motor carrier for that driver's home terminal.

(B) The term "seven or eight consecutive days" means the seven or eight consecutive 24-hour periods as designated by the carrier for the driver's home terminal.

(C) The 24-hour period starting time must be identified on the driver's duty status record. One-hour increments must appear on the graph, be identified, and preprinted. The words "Midnight" and "Noon" must appear above or beside the appropriate one-hour increment.

(9) Main office address. The motor carrier's main office address shall be shown on the form containing the driver's duty status record.

(10) Recording days off duty. Two or more consecutive 24- hour periods off duty may be recorded on one duty status record.

(11) Total hours. The total hours in each duty status: off duty other than in a sleeper berth; off duty in a sleeper berth; driving, and on duty not driving, shall be entered to the right of the grid. The total of such entries shall equal 24 hours.

(12) Shipping document number(s), or name of shipper and commodity shall be shown on the driver's record of duty status.

(h) Graph grid. The following graph grid (Figure 2) must be incorporated into a motor carrier recordkeeping system which must also contain the information required in paragraph (e) of this section.

(3) Driving. A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on duty driving a motor vehicle, as “drive or operate” is defined in Section 1201.

(4) On duty not driving. A continuous line shall be drawn between the appropriate time markers to record the period(s) of time on duty not driving as specified in Section 1201(s).

(5) Location-remarks. The name of the city, town, or village, with State abbreviations where each change of duty status occurs shall be recorded.

Note: If a change of duty status occurs at a location other than a city, town, or village, show one of the following: (1) The highway number and nearest milepost followed by the name of the nearest city, town, or village and State abbreviation, (2) the highway number and the name of the service plaza followed by the name of the nearest city, town, or village and State abbreviation, or (3) the highway numbers of the nearest two intersecting roadways followed by the name of the nearest city, town, or village and State abbreviation.

(j) Filing driver's record of duty status. Each day, the driver shall submit or forward the original driver's record of duty status to the regular employing motor carrier following the completion of the form. Drivers who do not return to the home terminal each day may submit their original records of duty status upon their first return to the home terminal, provided the interval does not exceed 13 days.

(k) Drivers used by more than one motor carrier. (1) When the services of a driver are used by more than one motor carrier during any 24-hour period in effect at the driver's home terminal, the driver shall submit a copy of the record of duty status to each motor carrier. The record shall include:

(A) All duty time for the entire 24-hour period;

(B) The name of each motor carrier served by the driver during that period; and

(C) The beginning and finishing time, including a.m. or p.m., worked for each carrier.

(2) Motor carriers, when using a driver for the first time or intermittently, shall obtain from the driver a signed statement giving the total time on duty during the immediately preceding seven days and the time at which the driver was last relieved from duty prior to beginning work for the motor carriers.

(l) Retention of driver's record of duty status. The driver shall retain the duplicate copy of each record of duty status for the current day and the previous seven consecutive days which shall be

in his/her possession and available for inspection while on duty. The records shall be presented for inspection immediately upon request by any authorized employee of the department, or any regularly employed and salaried police officer or deputy sheriff.

Note: Driver's Record of Duty Status. The graph grid, when incorporated as part of any form used by a motor carrier, must be of sufficient size to be legible.

The following executed specimen grid (Figure 3) illustrates how a driver's duty status should be recorded for a trip from Richmond, Virginia, to Newark, New Jersey. The grid reflects the midnight to midnight 24 hour period. The driver in this instance reported for duty at the motor carrier's terminal. The driver reported for work at 6 a.m., helped load, checked with dispatch, made a pretrip inspection, and performed other duties until 7:30 a.m. when the driver began driving. At 9 a.m. the driver had a minor accident in Fredericksburg, Virginia, and spent one half hour handling details with the local police. The driver arrived at the company's Baltimore, Maryland, terminal at noon and went to lunch while minor repairs were made to the tractor. At 1 p.m. the driver resumed the trip and made a delivery in Philadelphia, Pennsylvania, between 3 p.m. and 3:30 p.m. at which time the driver started driving again. Upon arrival at Cherry Hill, New Jersey, at 4 p.m., the driver entered the sleeper berth for a rest break until 5:45 p.m. at which time the driver resumed driving again. At 7 p.m. the driver arrived at the company's terminal in Newark, New Jersey. Between 7 p.m. and 8 p.m. the driver prepared the required paperwork including completing the driver's record of duty status, vehicle condition report, insurance report for the Fredericksburg, Virginia accident, checked for the next day's dispatch, etc. At 8 p.m., the driver went off duty.



Figure 3. Driver's Record

Note: Authority cited: Sections 31401, 34501, 34501.2, 34501.5, and 34508, Vehicle Code; and Section 39831, Education Code. Reference: Sections 545, 31401, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.